



STEVE W. BERMAN  
DIRECT • (206) 224-9320  
STEVE@HBSSLAW.COM

HAGENS BERMAN  
SOBOL SHAPIRO LLP

May 26, 2006

Timothy S. Hillman  
Magistrate Judge  
United States District Court  
Donahue Federal Building and U.S. Courthouse  
595 Main Street  
Worcester, MA 01608

Re: *New England Carpenters Health Benefit Fund, et al. v. First Databank, et al.*  
No. 1:05-cv-11148-PBS

Dear Magistrate Judge Hillman:

This is in response to the Notice and order Regarding Mediation set for June 1, 2006. This is a proposed class action involving the purchase of hundreds of drugs by consumers and third-party payors throughout the nation. Discovery has just started and no class motion has been filed.

As a result the parties jointly believe that mediation at this time is premature and request that the mediation set for June 1 be reset for October, 2006.

Sincerely yours,

MORRISON & FOERSTER LLP

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Lori A. Schechter  
Lori A. Schechter  
*Attorneys for Defendants*

/s/ Steve W. Berman  
Steve W. Berman  
*Attorneys for Plaintiffs*